IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL No. 2206 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26/11/2004 in WP No. 21372 OF 2004 on the file of the High Court.)

Between:

Niraj College of Hotel Management and Catering Technology, Kandlakoya, Medchal Mandal, Ranga Reddy District,
Rep. by its Principal Smt. B. Jyothi Reddy, W/o. B. Ramender Reddy, Aged 59 Years, R/o. Saadat Manzil, Ameerpet, Hyderabad.

..... APPELLANT

AND

1. G.Jivith Reddy, S/o. Charma Reddy,
R/o. 165, Meenakshi Estates, Jeedimetla Village, Ranga District.
2. The Station House Officer, Medchal Police Station, Ranga Reddy District.
3.The Assistant Director, Mines and Geology, Government of Andhra Pradesh, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr.A.RAVI SHANKAR

Counsel for the Respondent No.1: Mr.C.RAGHU

Counsel for Respondents 2 & 3: G.P. for Home.

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

The appellant was not a party to the Writ Petition, and, sought leave to file this Writ Appeal against the orders dated: 26.11.2004 passed by the learned Single Judge disposing of the Writ Petition of the first respondent at the admission stage itself.

Writ Petition was filed by the first respondent on 22.11.2004. It came up before the Court on 23.11.2004, and, was directed to be posted on 25.11.2004 in Motion List, and, without calling for the reply from the respondents 1 and 2 in the Writ Petition, it was disposed of by a reasoned order directing the respondents in the Writ Petition not to cause interference in the quarrying and mining activities of the writ petitioner in the place referred to without issuing any proceedings.

Our attention has been drawn by the learned counsel for the appellant to Writ Petition No.6528 of 2000, which was a comprehensive writ petition filed by the appellant about the quarrying operations being carried out by one Sahitya Stone and Metal Crushers, Muneerabad, Medchal Mandal, Ranga Reddy District, wherein it was alleged by the appellant that originally, first respondent herein was the holder of land and was the Managing Partner of the Sahitya Stone and Metal Crushers. There was an interim order passed directing to take steps to prevent Sahitya Stone and Metal Crushers from continuing with the mining operations by using detonators. Writ Petition was disposed of on 25.7.2001, when it was pointed out by the Pollution Control Board that necessary directions under Section 31(A) of the Air (Prevention and Control of Pollution) Act, 1987 had been issued. Without disclosing these facts on record, Writ Petition was filed, as if, the police authorities were not within their rights to even prevent illegal mining, and, without taking the version of respondents 1 and 2 in the Writ Petition, learned Single Judge proceeded to dispose of the Writ Petition.

The very method of the Courts in disposing of the Writ Petition at the admission stage without even granting adjournment to the respondents to place their version on record, and, holding the action of respondents to be without jurisdiction must be deprecated. The order disposing of Writ Petition is liable to be set aside. We allow

the Writ Appeal, set aside the impugned order disposing of the Writ Petition, and, direct that the appellant herein be impleaded as respondent in the Writ Petition. The Writ Petition be decided afresh in accordance with law. No costs.

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DEVINDER GUPTA, C.J.

31.12.2004.

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M.NARAYANA REDDY, J.

VR.

NOTE:

Communicate operative portion by

wire at party's cost.

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To

1. The Station House Officer, Medchal Police Station, Ranga Reddy District.
2.The Assistant Director, Mines and Geology, Government of Andhra Pradesh, Hyderabad.

3. Two CCs to Government Pleader for Home, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.